

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

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| <p>ALEXUS MURPHY, MARKITTA WITCHER, and DIANE HAINES, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ACTIVE INTEREST MEDIA, INC.,</p> <p style="text-align: center;">Defendant.</p> | <p>Case No. 22-cv-12159</p> <p>Hon. Jonathan J.C. Grey</p> |
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STIPULATED ORDER TO STAY ACTION PENDING MEDIATION

Plaintiffs Alexis Murphy, Markitta Witcher, and Diane Haines (“Plaintiffs”) and Defendant Active Interest Media, Inc. (“AIM,” together with Plaintiffs, the “Parties”) state as follows:

WHEREAS, Plaintiffs filed this action on September 12, 2022 (ECF No. 1);

WHEREAS, in response to the Complaint, on November 21, 2022, AIM timely filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 18);

WHEREAS, on December 12, 2022, Plaintiffs timely filed an Amended Complaint as of right pursuant to Fed. R. Civ. P. 15(a)(1)(B) (ECF No. 21);

WHEREAS, on January 13, 2023, AIM timely filed a motion to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) (ECF No. 24);

WHEREAS, Plaintiffs on February 17, 2023, Plaintiffs timely filed an opposition to the motion to dismiss (ECF No. 26);

WHEREAS, on March 10, 2023, AIM timely filed a reply in support of its motion to dismiss (ECF No. 32);

WHEREAS, AIM's motion to dismiss was set to be argued on September 20, 2023;

WHEREAS, on June 26, 2023, this Action was reassigned from The Honorable David M. Lawson to The Honorable Jonathan J.C. Grey and the motion to dismiss argument was suspended;

WHEREAS, the Parties wish to pursue resolution of this action through private mediation;

WHEREAS, the Parties believe that judicial economy and the interests of the Parties would be served by a stay of this action to preserve the status quo while the Parties engage in mediation;

WHEREAS, the Parties have agreed to participate in a private mediation on August 28, 2023, the earliest mutually available date, before the Hon. Wayne R. Andersen (Ret.), formerly of the Northern District of Illinois and now a JAMS Mediator;

WHEREAS, the Parties, by and through their counsel, stipulate to an Order staying this action pending mediation; and

WHEREAS, within 5 business days of the conclusion of mediation, the Parties shall file a joint status report to inform the Court whether mediation has resolved this dispute, or whether litigation before this Court must resume, including whether the pending motion to dismiss must be decided (“Joint Status Report”);

Accordingly, it is **ORDERED** that this action is stayed for all purposes pending mediation and the filing of the Joint Status Report described herein, so that the Parties may preserve the status quo while they attempt to resolve this action through mediation.

SO ORDERED.

Dated: July 13, 2023
Detroit, Michigan

/s/ Jonathan J.C. Grey
JONATHAN J.C. GREY
United States District Judge

STIPULATED AND AGREED:

/s/ E. Powell Miller

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Dated: July 13, 2023